



Senate File 475, Senate File 2131, and Senate File 2415 Executive Summary

Virtual/OnLine Education in Iowa

Introduction

Senate File 475, Senate File 2131, and Senate File 2415 were passed during the 2018 legislative session. The legislation addresses virtual/online education in Iowa.

Required and Recommended Actions

Tables 1 and 2 provide an overview of actions required per SF 475, SF 2131, and SF 2415 as well as recommended actions and recommendations.

Table 1. Online Learning

Citation	Required/ Repealed/ Recommendation	Action
Iowa Code 256.7(32)	Repealed	Repealed limitation on open enrollment for education provided primarily online.
Iowa Code 256.43(5)	Required	Prohibits schools and private providers from providing incentives or rebates for parents to enroll in online education.
Iowa Code 282.18 (11A)	Required	Students open enrolled to virtual schools may elect to participate in up to 2 extracurricular activities per year. Resident districts may deduct up to \$200/activity, for up to 2 activities/year from the payment made to receiving districts. Students may be charged the same fees associated with chosen activities that are charged to other resident student.

Iowa Code 256.43(2)	Required	Receiving district must inform resident districts if a student stops participating in online education.
Iowa Code 256.9(55)	Required	Required DE Director to maintain a list of approved private providers.
Iowa Code 256.41	Required	A district providing educational instruction and course content delivered primarily over the internet shall follow requirements as outlined in Iowa Code 256.41.

Table 2: Iowa Learning Online

Citation	Required/ Repealed/ Recommendation	Action
Iowa Code 256.42(1) and (5)	Required	Expands Iowa Learning Online (ILO) to students receiving private instruction under Chapter 299A.
Iowa Code 256.42(7)	Required	ILO may be used to meet up to 2 offer-and-teach requirements. DE may provide annual waivers to use ILO in meeting additional offer-and-teach requirements. Allows LEA-developed courses to be used or private provider-developed courses to be used in lieu of ILO course work if ILO courses are (a) full or (b) not offered.
Iowa Code 256.42(8)	Required	Allows students receiving private instruction under 299A to participate in ILO courses and be charged the same as school districts and accredited nonpublic schools.

Frequently Asked Questions

Tables 1 through 4 provide frequently asked questions per SF 475, SF 2131, and SF 2415.

Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A as enacted by Senate File 475. This does not apply to administrative rules, declaratory orders, or materials required by federal law or courts.

Table 1. Open Enrollment

Question	Answer
1.What districts may students open enroll to for an online program?	CAM, Clayton Ridge, district that provides courses through an approved provider or a district developed online program. Iowa Code 256.7 (32)
2. What districts have an approved program?	Currently the only districts with an approved program are CAM and Clayton Ridge.
3. If a student is enrolled in one of the existing virtual academies can they enroll in one or more co-curricular activities at the home district?	Yes, for up to two activities. Additional activities are allowed at the discretion of the resident district. Iowa Code 282.18, (7)
4. Is there a limit to the number of students that may open enroll to an online school per school district? Statewide?	No, all caps were removed.
5. May a student open enrolled to a district with an approved online program participate in activities in the resident district?	Yes, for up to two activities. Additional activities are allowed at the discretion of the resident district. Iowa Code 282.18, (7)
6. What activities qualify?	Qualifying activities include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding \$5,000. Iowa Code 282.18, (7)
7. My child wants to participate in vocal music at the school of the resident district both semesters. How is this counted for number of activities?	For co-curricular activities, one semester equals one activity. Participating in vocal music 2 semesters equals 2 activities. Iowa Code 282.18 (7)
8. Can an open enrolled out student to any district participate in resident district activities?	No, only those students open enrolled for purposes of receiving instruction and course content primarily over the internet. Iowa Code 282.18 (11A)

9. May resident students open enrolled out for an online program who do not meet the same eligibility requirements of resident students, still participate?	No, open enrolled out students must meet the same eligibility requirements as resident students to participate in activities. Iowa Code 282.18 (11A)
10. Can the resident district deny participation if the open enrolled district does not provide grade reports as requested?	No. Districts are required to share grade reports, and students cannot be determined ineligible because a district does not provide such reports.
11. Does the March 1 deadline for open enrollment still apply?	Yes. Iowa Code 282.18 (2)
12. If a student withdraws from the activity how is funding determined?	The cost is prorated based on how long the student participated. 281-IAC 17.10(6)
13. If a student open enrolled to an online program participating in an activity at the resident district is found to be violating the resident district's rules (good conduct, bullying and or harassing, etc), may the resident district expel or suspend the student?	The student shall comply with the eligibility, conduct, and other requirements relating to the activity that are established by the district of residence for any student who applies to participate or who is participating in the activity. Iowa Code 282.18 (11A)
14. Does co-curricular music mean participation in band or music class scheduled during the school day?	Yes. Iowa Code 282.18 (11A)
15. If a student enrolls in music class and drops during the first quarter may they re enroll during the 2nd quarter?	Local decision.
16. Can a student represent two schools – example be in one activity at the district of residence and one activity at the open enrolled district?	The Iowa Department of Education will provide proposed rules to the State Board of Education to be posted for public comment.

17. Can a district decline to enroll a student in a co-curricular class based on classroom space?	Yes.
18. Is there a specific age requirement for open enrolled out students to participate in extracurricular activities?	No. A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the internet in accordance with Iowa Code 256.7 (32), may participate in any co curricular or extracurricular activities offered to children in the pupil's grade or group and sponsored by the district of residence under the same conditions and requirements as the pupils enrolled in the district of residence. Iowa Code 282.18 (11A)
19. What activities and cocurricular activities may students participate in?	Interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding five thousand dollars annually. Iowa Code 282.18 (7)

Table 2. Offer and Teach

Question	Answer
19. Does this law allow districts to be exempt from offer and teach requirements for up to two subject areas if a course has less than 10 students or the district is unable to find a teacher?	No, all offer and teach requirements must be met, but the district may substitute ILO for up to two courses. If ILO is not able to provide the course, the district may use a district developed online course or a course from an approved private provider to meet offer and teach requirements for up to two courses. Iowa Code 256.42(7)

<p>20. What if the district has additional needs above the two courses as mentioned in question #18?</p>	<p>The department may waive for one school year additional offer and teach requirements if the district or nonpublic school has made every reasonable effort to meet requirements.</p> <p>The district needs to apply for a waiver annually.</p> <p>Additional subjects may be replaced by an ILO substitution waiver or if ILO is not able to provide the course, the district may use a district developed online course or a course from an approved private provider to meet offer and teach requirements. Iowa Code 256.42(7)(b)</p> <p>For the purposes of this section, “good faith effort” includes advertising for the position in an appropriate publication, interviewing applicants, and giving serious consideration to those licensed or authorized, and otherwise qualified, applicants who apply. 279.19A (9)</p>
<p>21. What does “specified subjects” mean?</p>	<p>Items listed in the ILO course catalog to meet offer and teach.</p>
<p>22. If a district offers online courses and students take the courses, will these online class meet the district’s offer and teach requirements?</p>	<p>These courses may be used if the district if ILO was not able to provide the course.</p>
<p>23. Does this law allow districts to meet offer and teach by having a student take an online course via another Iowa district?</p>	<p>Yes, through any type of tuitioning/contractual agreement in which students are taking a course.</p>

Table 3. Iowa Learning Online

Question	Answer
<p>24. May a student receiving private instruction utilize ILO</p>	<p>Yes. Iowa Code 256.42(8)</p>

25. How much will it cost students receiving private instruction to utilize ILO courses?	The department shall establish fees. Iowa Code 256.42(8)
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Table 4. Online Courses/Programs

Question	Answer
26. What are the requirements for a school district providing educational instruction and course content delivery primarily over the internet?	<ul style="list-style-type: none"> • Monitoring and verify full-time student enrollment, timely completion of graduation requirements, course credit accrual, and course completion. • Monitor and verify student progress and performance in each course through a school-based assessment plan that includes submission of coursework and security and validity of testing components. • Conduct parent-teacher conferences. • Administer assessments required by state to all students in a proctored setting and pursuant to state law. • Online learning shall be provided and supervised by a teacher licensed under chapter 272. • Reporting to Department per 256.7(32)(c) Iowa Code 256.41
27. How does a district become an approved online provider?	See online flowchart
28. May incentives or rebates be offered to parents for enrolling in an online education program?	No. Iowa Code 256.43(5)
29. Once approved does the private provider need to apply for approval each year?	Yes. Providers shall apply for approval annually or as determined by the Department. Iowa Code 256.9(55) and 281-IAC 15.16(2)
30. What grades may use an online course by a school district?	Kindergarten through grade 12. 281-IAC 15.1

31. May accredited nonpublic schools use this resource?	Yes. 281-IAC 15.2
32. Is there a cost to use these courses?	Yes. School districts and accredited nonpublic schools will cover the costs of private provider or district developed courses. 281-IAC 15.16(1)
33. Who pays for the courses?	The school district or accredited nonpublic school. Contact Bureau of Finance, Facilities, Operation and Transportation Services for more information.
34. Is there a grant available for private vendors to lower the cost to districts?	No
35. What happens if a private provider of district developed online course is not approved?	Reviewer comments will be provided and the private provider or district may reapply after comments have been addressed.
36. May an open enrolled student take a private provider or district developed online course at the receiving district?	Yes. 281-IAC 15.12
37. May a community college, postsecondary institution, or nonprofit apply as a private provider?	Yes
38. If a district partners or is in a consortium with an Area Education Agency, Community College, and/or other Districts to provide online courses which application should they use, Private provider or District provider?	It depends on which agency will be the lead/fiscal agent. If the school district is the lead/fiscal agent use a district provider form. If the community college or AEA is the lead/fiscal agent use the private provider.
39. What are the requirements for online teachers?	All teachers are required to be appropriately licensed. Iowa Code 279 (Contracts) and 284 (Teacher Performance, Compensation, and Career Development) 281-IAC 15.7(1)

40. What are the requirements for districts delivering instruction primarily over the internet?	Conduct parent-teacher conferences, administer assessments required by the state and monitor and verify the following: full-time student enrollment, timely completion of graduation requirements, course credit accrual, course completion, Student progress and performance. 281- IAC 15.7(2)
41. May a district or accredited nonpublic school use the approved private provider online course to meet offer and teach?	Yes. Two online courses may be used to meet high school offer and teach without a waiver. If the district or accredited nonpublic school plans to use more than two online courses to meet high school offer and teach a waiver is required.

Definitions

- Online Learning as Defined in Iowa Code: “*Online Learning*” and “*online coursework*” mean educational instruction and content which are delivered **primarily*** over the internet. “*Online Learning*” and “*online course work*” do not include print-based correspondence education, broadcast television or radio, videocassettes, or stand-alone educational software programs that do not have a significant internet based instructional component. Iowa Code 256.2A
- Primarily over the internet: Any amount over 50%.
- [Co-curricular activities](#) are those activities that are outside of but usually complementing the regular curriculum.
- [Extracurricular activities](#) are defined as those school-based activities that are not tied to the curriculum.
- General Fund: This fund is the chief operating fund of the school district. It is used to account for all financial resources of the school district except for those required to be accounted for in another fund. A district may have only one general fund. Uniform Financial Accounting for Iowa LEAs and AEAs" 2009 edition.

Additional Guidance

For additional guidance, see the [Department's](#) webpage

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